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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,867	05/21/2002	Albert Gordon Greenberg	2001-0281	2431
26652	7590	08/01/2006	EXAMINER	
AT&T CORP. ROOM 2A207 ONE AT&T WAY BEDMINSTER, NJ 07921			CHOU, ALBERT T	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/063,867

Applicant(s)

GREENBERG ET AL.

Examiner

Albert T. Chou

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on June 23, 2006 for the amendment.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-8 is/are rejected.
- 7) ☒ Claim(s) 5, 9 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### Response to Amendment

1. The following is a response to the amendment filed on June 23, 2006.
  - Claims 1-10 are pending in the application.
  - Claims 1-4 and 6-8 remain rejected under U.S.C. 102(b) as being anticipated by US Patent No. 6,744,739 to Martin.
  - Claim 5 is objected to as being dependent upon a rejected base claim.
  - Claims 9 and 10 are objected to because of the minor informalities.

### Claim Objections

2. Claims 9 and 10 are objected to because of the following informalities:

Claim 9 recites a limitation "A device-readable medium storing program instructions for performing....". "A device-readable medium" per se is not a patentable subject matter and should change to "A computer-readable medium" in order for claim 9 to be patentable.

Claim 10 depends from claim 9 and is objected to on the same basis.

In claim 9, line 1, "device-readable medium" must be changed to -- computer-readable medium --  
Appropriate correction is required.

In claim 10, line 1, "device-readable medium" must ...  
The change is required to get the claims in clear compliance with the interim guidelines regarding Patent Subject Matter eligibility.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 and 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,744,739 to Martin.

Regarding claim 1, Martin teaches a method of tracking the topology of a packet-switched network comprising:

(a) passively monitoring link state advertisements flooded through the network by routers in the network participating in a link state routing protocol **[Fig. 1; col. 5, lines 18-39, lines 40-43]**; and

(b) using information in the link state advertisements to construct a topology view of the network **[Fig. 1; col. 5, lines 18-39; Fig. 12; col. 10, lines 19-31]**.

Regarding claim 2, Martin teaches a method wherein the link state advertisements are monitored using reflectors established in adjacency with the routers in the network **[Fig. 1; col. 5, lines 32-39]**.

Regarding claim 3, Martin teaches a method wherein topology view is constructed by an aggregator in communication with the reflectors established in adjacency with the routers in the network **[Fig. 3; col. 8, lines 18-42]**.

Regarding claim 4, Martin teaches a method wherein the link state routing protocol is OSPF **[Fig. 1; col. 5, lines 18-25]**.

Regarding claim 6, Martin teaches a system for tracking the topology of a packet-switched network comprising:

one or more reflectors which are capable of monitoring link state advertisements flooded through the network by routers in the network participating in a link state routing protocol **[Fig. 1; col. 5, lines 18-39, lines 40-43]**; and

an aggregator which is capable of receiving topology information from each of the reflectors and constructing a topology view of the network **[Fig. 1; col. 5, lines 18-39; Fig. 12; col. 10, lines 19-31]**.

Regarding claim 7, Martin teaches a system wherein the link state advertisements are monitored by establishing an adjacency with the routers in the network **[Fig. 1; col. 5, lines 32-39]**.

Regarding claim 8, Martin teaches a method wherein the link state routing protocol is OSPF **[Fig. 1; col. 5, lines 18-25]**.

***Allowable Subject Matter***

4. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 9 and 10 are objected to because of minor informalities, but would be allowable if rewritten in the claim including a patentable subject matter.

***Response to Remarks***

6. Applicant's remarks filed June 23, 2006 regarding the rejection of claims 1 and 6, and their dependent claims, claims 2, 3, 4, 7 and 8, in the application have been fully considered but they are not persuasive.

Regarding claims 1 and 6, Applicant argues that Martin does not teach or suggest a method comprising passively monitoring link state advertisements flooded through the network by routers in the network participating in a link state routing protocol. Specifically, Applicant argues that routers in Martin must actively engage in forwarding LSAs. The Examiner respectfully disagrees.

For example, Martin teaches that OSPF uses areas to limit the flooding of the entire autonomous system and reduce network congestion [Col. 5, lines 40-43]. ABRs 70 receive Type 1 & 2 LSAs 72, but do not flood them on to additional areas 74 within

the autonomous system 52 [Col. 5, lines 40-43]. This means that one or more routers in Martin are passively monitoring link state advertisements flooded through the network by routers in the network participating in a link state routing protocol. Thus, Martin's teachings meet each limitation set forth in claims 1 and 6.

Regarding claims 2-4 and 7-8, which depend from claims 1 and 6 respectively, they remain rejected based on the previous rejection statement to claims 2-4 and 7-8 as recited in the Claim Rejections - 35 USC § 102.

It is concluded that Martin's reference in its entirety does anticipate claims 1-4 and 6-8. Therefore, claims 1-4 and 6-8 are not allowable over Martin's reference.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert T. Chou whose telephone number is 571-272-6045. The examiner can normally be reached on 8:30 - 17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Albert T. Chou

July 24, 2006 *Ac*